

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In Re: Methyl Tertiary Butyl Ether (“MTBE”)  
Products Liability Litigation

**This document pertains to:**

*Commonwealth of Pennsylvania v. Exxon Mobil  
Corporation, et al.*, Case No. 14-cv-06228 (DLC)

Master File No. 1:00-1898 (DLC)

MDL 1358

**NOTICE OF MOVING DEFENDANTS’  
MOTION FOR PARTIAL SUMMARY JUDGMENT FOR  
LACK OF DEFENDANT IDENTIFICATION AT FOCUS SITES**

PLEASE TAKE NOTICE that Moving Defendants<sup>1</sup>, by and through undersigned counsel, pursuant to Federal Rule of Civil Procedure 56, move this Court for an order granting partial summary judgment in their favor against Plaintiff Commonwealth of Pennsylvania (“Plaintiff”) for Lack of Defendant Identification at Focus Sites.

Black-letter tort law requires a plaintiff to establish that a defendant caused its injury before that defendant can be held liable. In this case, to hold a defendant liable in tort at a given focus site, Plaintiff must show that the defendant has an identifiable connection to the focus site—namely, that it was an owner, operator, brander, or supplier of MTBE gasoline to the site or that its refined product was delivered to the site. At many sites, Plaintiff has adduced no evidence that could meet this causation burden as to certain defendants (the “Moving Defendants”). The Moving Defendants are entitled to summary judgment at sites where Plaintiff is unable to meet this most basic requirement of establishing tort liability.

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<sup>1</sup> Moving Defendants are identified in Exhibit 1 to the Memorandum of Law in Support of Moving Defendants’ Motion for Partial Summary Judgment for Lack of Defendant Identification at Focus Sites.

Moving Defendants' motion is further supported by the Memorandum of Law, S.D.N.Y. Local Rule 56.1 Statement, and the declaration and exhibits that are filed concurrently herewith, as well as any reply brief or oral argument that may be submitted or made by Moving Defendants in support of this motion.

Dated: May 2, 2025

Respectfully submitted,

By: /s/ Lisa S. Meyer

Nathan P. Eimer  
(New York Bar No. 1976067)  
(neimer@eimerstahl.com)  
Lisa S. Meyer  
(lmeyer@eimerstahl.com)  
Susan M. Razzano  
(srazzano@eimerstahl.com)  
Gregory M. Schweizer  
(gschweizer@eimerstahl.com)  
Clare Chiodini  
(cchiodini@eimerstahl.com)  
EIMER STAHL LLP  
224 South Michigan Avenue, Suite 1100  
Chicago, IL 60604  
Ph. 312-660-7600  
Fax 312-692-1718

*Counsel for Defendants  
CITGO Petroleum Corporation and CITGO  
Refining and Chemicals Company L.P.  
and on Behalf of Moving Defendants*